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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,176	10/28/2003	Tomonari Horikiri	1232-5185	6564
27123	7590	04/21/2008	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			MOON, SEOKYUN	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			04/21/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/696,176	<b>Applicant(s)</b> HORIKIRI, TOMONARI	
	<b>Examiner</b> SEOKYUN MOON	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6,8-10 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6,8-10 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/28/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. The Applicant's arguments with respect to newly amended claim 6 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 6, 8-10, and 13-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katase (US 6,525,865) in view of Duthaler (US 2004/0155857).

As to **claim 6**, Katase teaches a process for producing an electrophoretic display [abstract lines 1-2] having optical modulation members (any one of the particles of the “*electrophoretic particles 3*” shown on fig. 16, a plurality of “*dispersion medium 2*” included in of the “*divided cells 11C1*” show on fig. 22, and “*color filters*” disclosed in col. 15 lines 20-30), comprising the steps of:

providing the optical modulation members each with a dye [col. 19 lines 39-42];

depositing the optical modulation members on a substrate [fig. 16].

Katase further teaches coloring the dyes included in the optical modulation members [col. 19 lines 39-42].

Katase does not expressly teach a specific step of coloring the dyes, i.e. applying a specific stimulus selected from a plural kind of stimuli to the dyes to change the color of the dyes.

However, Duthaler [par. (0107), emphasis on lines 23-31] teaches a concept of coloring a plural kind of dyes, each of which is capable to be colored to a specified color by application of a specific stimulus selected from a plural kind of stimuli and applying the plural kind of stimuli individually to predetermined different areas and thereby coloring the dyes to different colors [par. (0107), emphasis on lines 31-39].

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the concept of Duthaler, coloring dyes by applying a plural kind of stimuli individually to predetermined different areas, to the display of Katase, in order to allow the colors of the dyes of the display to be changed remotely rather than manufacturing the dyes with predetermined colors.

As to **claim 8**, Katase [fig. 14] teaches a step of spatially sealing ("*sealer 202*") hermetically the electrophoretic particles ("*electrophoretic particle 3*") and the dispersion medium ("*dispersion medium 2*").

As to **claim 9**, Katase as modified by Duthaler teaches that the coloring step is performed after the hermetically sealing step [Duthaler: par. (107), emphasis on lines 31-39, note that in the coloring method of Duthaler, the coloring is performed after the capsules containing the dyes are incorporated into the display. Thus, Duthaler teaches an idea of performing the coloring step after the object containing the dyes is incorporated into the display].

As to **claim 10**, Katase as modified by Duthaler teaches that the stimuli are selected from the group consisting of thermal energy, light energy, electron ray, y ray, and X ray [Duthaler: par. (107) line 31].

As to **claim 13**, Katase as modified by Duthaler teaches that the stimuli (Duthaler: "*different infra-red wave-lengths*") are applied in a state that the electrophoretic particles and the dispersion medium are encapsulated in a microcapsule [Duthaler: par. (107), emphasis on lines 31-32].

Art Unit: 2629

As to **claim 14**, Katase as modified by Duthaler teaches the dye (Katase: the dye included in the medium) [Katase: col. 19 lines 39-42] being encapsulated in a microcapsule (Katase: "*cell having dimension of microns in length*") [Katase: col. 9 lines 50-52].

As to **claim 15**, Katase as modified by Duthaler teaches that the dye is a nearinfrared absorption colorant ("*infra-red-wave-lengths*") [Duthaler: par. (107), emphasis on line 31].

As to **claim 16**, Katase as modified by Duthaler teaches that the dye is a mixture of photosensitive agents sensitive to blue, green, and red light [Duthaler: par. (107), emphasis on lines 23-27].

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEOKYUN MOON whose telephone number is (571)272-5552. The examiner can normally be reached on Mon - Fri (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/696,176

Page 5

Art Unit: 2629

/S. M./  
Examiner, Art Unit 2629

/Sumati Lefkowitz/  
Supervisory Patent Examiner, Art Unit 2629